

SIM & DEPAOLA, LLP

Attorneys-at-Law
42-40 Bell Boulevard
Suite 201
Bayside, New York 11361
Tel: (718) 281-0400
Fax: (718) 631-2700

MEMO ENDORSED

The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: September 2, 2021

VIA ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Courtroom 705
New York, New York 10007

Re: *Rhashawn Wilson v. City of New York, et al.*
Docket No.: 21-cv-00479 (PGG)

Honorable Judge Gardephe:

Plaintiff writes on behalf of all parties to (1) provide a status report as ordered by Your Honor on July 7, 2021, (see Memo Endorsement, ECF No. 18) and (2) respectfully request that this matter be removed from the purview of Local Rule 83.10 ("the Plan") and from the mediation program.

The parties report that the Plan initial disclosures and limited discovery were exchanged and the parties discussed settlement positions in advance of the mediation scheduled for September 9, 2021. However, the parties' settlement valuations are vastly different and agree that it is extremely unlikely that the scheduled mediation will be productive. We have already communicated with the mediator regarding the above.

Accordingly, the parties respectfully request that this case be removed from governance by the Plan and removed from the mediation program. The parties' further request the Court schedule an initial pretrial conference for the purpose of setting forth a discovery schedule.

Respectfully submitted,

/s/ Sameer Nath

Sameer Nath, Esq.

Attorney for Mr. Kurt Scott

snath@simdepaola.com